

Translation

PATENT COOPERATION TREATY

PCT/FR2003/000045



# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B0106WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/000045	International filing date (day/month/year) 09 janvier 2003 (09.01.2003)	Priority date (day/month/year) 10 janvier 2002 (10.01.2002)
International Patent Classification (IPC) or national classification and IPC G02B 21/26		
Applicant TROPHOS		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01 août 2003 (01.08.2003)	Date of completion of this report 13 May 2004 (13.05.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/000045

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☒ the international application as originally filed.

☐ the description, pages 1-17, as originally filed,  
 pages \_\_\_\_\_, filed with the demand,  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☐ the claims, Nos. 1-14, as originally filed,  
 Nos. \_\_\_\_\_, as amended under Article 19,  
 Nos. \_\_\_\_\_, filed with the demand,  
 Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☐ the drawings, sheets/fig 1/4-4/4, as originally filed,  
 sheets/fig \_\_\_\_\_, filed with the demand,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

### 2. Citations and explanations

#### 1. Reference is made to the following document:

D1: US-A-3 652 146.

#### 2. Document D1 discloses a device for positioning a plate including one or more samples (24) on an observation or analysis device (microscope) comprising a lens for observing or analysing at least part of a sample along an observation axis extending from an observation surface of the plate, and a framework (18) provided with a plate-supporting assembly having the following features:

- a first frame (20) slidably movable in a plane perpendicular to the observation axis (column 2, lines 39-45);
- a second frame (32) mounted on said first frame (20) and slidably movable in said plane perpendicular to the observation axis (column 2, lines 29-38), said first and second frames (20, 32) each being movable in a direction perpendicular to the direction of movement of the other frame (see figure 2); and

- a third frame (30) mounted on said second frame (32) by means for retaining said third frame (30), said means securing said third frame in the plane perpendicular to the observation axis while allowing movement of said third frame essentially along the observation axis.

It follows that the only difference between the positioning device specified in claim 1 and the one known from D1 is that said third frame is provided with means for securing the plate. Such means for securing a plate, comprising a sample, inside a microscope are very commonly used and, as a result, the present application does not fulfil the requirement set forth in PCT Article 33(3) because the subject matter of claim 1 does not involve an inventive step (PCT Rule 65.1 and 65.2).

3. Dependent claims 2-14 do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirements of novelty and/or inventive step for the following reasons:

The features defined in these claims merely consist of options from a plurality of obvious options that a person skilled in the art seeking to solve the stated problem might select, depending on each particular case, and without an inventive step being involved.